

***“WE ENRICH LIVES THROUGH QUALITY PARKS AND PROGRAMS”***

**MINUTES**

City of San Diego  
Park and Recreation Board  
July 20, 2006

**Meeting held at:**

City Administration Building  
202 “C” Street, 12<sup>th</sup> Floor  
San Diego, CA 92101

**Mailing address is:**

City of San Diego  
Park & Recreation Board  
202 “C” Street, MS 9B  
San Diego, CA 92101

**ATTENDANCE:**

**Members Present**

Ginny Barnes, Acting Chair  
Darlene Gould Davies  
Norman Greene  
Dan Mazzella  
Bob Otilie  
Olivia Puentes-Reynolds (2:15 arrival)  
Robert Robinson  
Wilbur Smith

**Members Absent**

**Staff Present**

Charlie Daniels  
Andy Field  
Ted Medina  
Sally Pearson  
April Penera  
Deborah Sharpe

Mr. Alex Sachs, Deputy City Attorney, was also present.

**CALL TO ORDER**

Acting Chair Barnes called the meeting to order at 2:10 p.m.

**APPROVAL OF MINUTES**

**MOTION     MOVED/SECONDED Mr. Greene/Mr. Smith**

The Minutes of June 15, 2006 were approved by Mr. Greene and seconded by Mr. Smith. The motion passed with abstentions by Ms. Davies, Mr. Mazzella, Mr. Otilie, and Mr. Robinson who did not attend the meeting.

**REQUESTS FOR CONTINUANCE**

None.

## **COMMUNICATIONS**

None.

## **COMMENTS OR ADDITIONS**

None.

## **CHAIRPERSON'S REPORT**

None.

## **DIRECTOR'S REPORT**

Mr. Ted Medina, Park and Recreation Director, reported on the following:

- Introduced Mr. Andy Field, the new Administrative Services Manager. He replaces Ms. Libby Coalson, who has been reassigned to the Mayor's office.

- The July 4<sup>th</sup> holiday weekend was another great success for the City of San Diego. Approximately 1.5 million visitors and residents enjoyed outdoor activities at all of our beaches, bays and parks. On July 5<sup>th</sup>, with the assistance of numerous volunteers, staff collected nearly 200 tons of trash.

- Invited the Board members to attend the Grand Opening of Camino Ruiz Neighborhood Park on Saturday, July 29, at 10:00 a.m. The park is located in the Mira Mesa Community overlooking the Los Penasquitos Canyon Preserve.

- Provided an update on the Smoking Ban Ordinance.

Mr. Smith asked Mr. Medina to comment on the loss of so many maintenance staff positions and how this will affect the department when new facilities are opened. In response, Mr. Medina explained that since 1997 the Park and Recreation Department has experienced a \$14 million budget loss including many full time equivalent positions. Earlier this year, the Mayor announced that there would be no further cuts to the Park & Recreation Department budget this fiscal year, and subsequently budgeted an additional \$1.9 million in new facility funding.

## **ACTION ITEMS**

### **Consent**

### **Adoption**

- 101. Girl Scouts Camp General Development Plan – Balboa Park  
(continued from the April 20, 2006 meeting)**

Mr. Alex Sachs, Deputy City Attorney, for the record, disclosed that he is a member of the Uptown Planners, a community planning group that adjoins the Balboa Park community. He further stated that recently they heard an information item related to the Girl Scouts. He explained that he is a friend and colleague of persons on both sides of this issue, Ms. Peggy Mazzella and Mr. Mike Singleton, both members of the Uptown Planners. Mr. Sachs also worked in an unpaid position two years ago with Ms. Lynne Heidel, who is currently working with the applicant. After assessing his ability to provide advice to the Board in a fair and impartial manner, he feels there is no conflict of interest

Acting Chair Barnes acknowledged receiving a copy of a letter from the Uptown Planners from Ms. Peggy Mazzella. Copies were distributed to the Board members. Ms. Barnes noted that the Girl Scouts item will be heard at the Uptown Planners August 1, 2006 meeting after which they will make their recommendations to the Development Services Department and Mayor.

Mr. Charlie Daniels, Park Designer, Park Planning and Development Division, Park and Recreation Department, provided a brief synopsis of the report he presented at the April 20, 2006 meeting. At that meeting, the Board voted to continue the item until more discussion could take place between the Girl Scouts and the community to see if a consensus could be reached regarding the design and location of the education and training center, and to complete and certify the environmental document. At that meeting and again at today's meeting, Ms. Myra Hermann, Senior Environmental Planner from the Development Services Department, explained the process by which certification of the environmental document takes place. The Board members received copies of the final Negative Declaration to review prior to today's meeting.

Mr. Daniels reported that the Girl Scouts met with the community to hear their concerns and to propose solutions. They also met with the principal of Roosevelt Junior High to discuss the possible use of the school facilities, which was determined not to be feasible. The Girl Scouts hired additional consultants to address the issues that were expressed by the community at the April 20, 2006 Park and Recreation Board meeting (a detailed listing of concerns and proposed resolutions is included in the staff report) and have made modifications to their General Development Plan where possible. Mr. Daniels feels the Girl Scouts have worked diligently and have reached a consensus with a majority of the community.

Ms. Jo Dee Jacob, CEO of Girl Scouts San Diego-Imperial Council, reported on what has transpired since the April 20, 2006 Park and Recreation Board meeting and described what the Girl Scouts have done

to accommodate their neighbors. Ms. Jacob also explained that changing the location of the education and training center would increase the cost of the facility by approximately \$250,000, which exceeds their current budget. The Girl Scouts will consider relocating the primary entrance from Upas Street to Richmond Street if the entrance can be coordinated with the entrance to the future San Diego Zoo employee parking lot. There are safety concerns with the Richmond Street entrance and until such time as the Zoo employee parking lot is constructed (unknown at this time), the current entrance on Upas Street will be used. To reduce the amount of noise associated with air conditioning compressors, the Girl Scouts have also agreed not to install air conditioning at this time and, instead, will test and evaluate natural ventilation systems over the next two to four years. If the natural ventilation system is successful, a high-efficiency air conditioning system will be installed that creates much less noise than a standard system.

Ms. Jacob urged the Board to approve the proposed General Development Plan as further delays will stall their capital campaign and could erode donor confidence and there is also a major grant at risk.

Public testimony in favor of the project was heard from:

Mr. Alan Comstock. Ms. Lynne Heidel did not speak but asked that her name be included for the record.

Public testimony in favor of the project but opposed to certain aspects of the General Development Plan was heard from:

Ms. Peggy Mazzella. Mr. Ernie Villafranca, and Ms. Melanie Gold (A handout - The Neighborhood's "Trust, but Verify" Response to The Girl Scouts' New Proposals – was distributed to all Board members by Ms. Peggy Mazzella prior to her presentation).

Acting Chair Barnes opened the floor to discussion.

Mr. Mazzella explained to the Board that no conflict of interest exists that would prevent him from participating in the discussion or voting on the Girl Scouts General Development Plan.

The Board members discussion included security concerns; feasibility of relocating the education and training center and the conditions of the soil at the alternative location; the community outreach process; addressing the use of air conditioning after the 2 – 4 year trial period has expired; coordination of the Richmond Street entrance with the Zoo employee parking lot entrance; traffic concerns, and what mechanisms will be in place to assure the Girl Scouts comply with what they have promised to do. Mr. Medina and Mr. Daniels responded to all questions and concerns.

**MOTION      MOVED/SECONDED Mr. Greene/Ms. Davies**

Mr. Greene made a motion that the Park and Recreation Board support the staff report including all the contingencies that were discussed to assure proper monitoring of the project, and to make every effort, if feasible, to relocate the primary entrance from Upas Street to Richmond Street without waiting the 5 – 7 years it could take to coordinate this entrance with the entrance of the future Zoo employee parking lot. Ms. Davies seconded the motion. The motion passed unanimously.

**WORKSHOP:**

**(Continued from the June 15, 2006 meeting)**

1. Continued discussion on the Recreation Element
2. Developer Impact Fees/Facilities Benefit Assessment Fees
3. Enterprise Funds

**Developer Impact Fees/Facilities Benefit Assessment Fees**

Ms. Pam Bernasconi with the Facilities Financing Program of the City Planning and Community Investment Department, introduced Mr. David Miller, Deputy City Attorney, who is also the advisory attorney for the program. Ms. Bernasconi described the Development Impact Fees and Facilities Benefit Assessment Fees, their purpose, how they are collected and regulated, and the criteria by which these fees can be used as a portion of the cost of a public facility in a development project. The floor was opened to discussion. Ms. Bernasconi and Mr. Miller answered questions from the Board members.

Some of the highlights of the discussion included:

**What is the Mid City Special Park Fee and can it be used for the Fox Canyon road? (Otilie)**

Ms. Bernasconi explained that the Mid City Special Park Fee was created in the 1980's and was charged to single family residences in the North Park and Mid City communities to help fund Park and Recreation parks and facilities that were identified by those communities as a priority. The fees were collected in-lieu-of the park component of the Development Impact Fee. Special Park Fees are no longer a part of the Land Development Code, which was approved in 2000. The intent was to replace the Special Park Fee with the Quimby Act.

Mr. Miller stated that assuming there is no relationship between the road and the park, and the road does not border the park or assist in providing entrance to the park, it is simply a road in the community, it would not be appropriate to use Special Park Fees to build a road.

**Are Developers paying their fair share for the impact caused by new residents right now? (Smith)**

Ms. Bernasconi explained that her department is in the process of updating the Public Facilities Financing Plans and currently are more than half way through that effort.

Mr. Miller further explained that it is important to make sure that the current costs in the plan are accurate. If the costs are accurate, the amount of money being collected through the DIFs should cover the developers fair share portion. He explained how shortfalls can happen due to inflation, not having the funding to update the plan more frequently, or construction bids coming in at a higher cost than anticipated.

Ms. Bernasconi explained that there is currently a combined total deficit of \$2.5 to \$3 billion in infrastructure needs throughout the urbanized communities in the City of San Diego. The DIF generated from new development would cover future needs based on that new development.

**What is the Twenty-Years Needs List? (Puentes-Reynolds)**

Ms. Bernasconi explained that each department prepares a Twenty-Years Needs List that identifies projects they believe that if funds were available would be appropriate Capital Improvement Projects. There are “wish” lists of new projects for Fire, Transportation, Park and Recreation, Library for all core communities in the City of San Diego. The Facilities Financing Program reviews the Public Facilities Financing Plans and the projects contained within those plans. The Twenty-Years Needs List is a summation of all the “wished for” projects in the Urbanized Communities Financing Plans. Information about each community is available on the Planning Department’s website under Public Facilities Financing Plans.

**Re-enactment of the Quimby Act (Mazzella)**

Mr. Miller explained that the Quimby Act is a state law that allows a city to require dedication of park land as part of a development up to a certain acreage per 1000 residents. It is currently 3 acres per 1000 residents unless the City can demonstrate through its statistics that there is more land available, then the maximum would increase to 5 acres per 1000 residents. When we are imposing exactions on developers through DIF or FBA fees, we can’t take land from them under the current laws without instituting Quimby. Quimby allows us to exact the land. However, Quimby isn’t much different from a basic Development Impact Fee – it’s land versus dollars in-lieu of. The Subdivision Map Act is a group of sections that talks about how subdivisions can occur. The Quimby Act is one section.

Mr. Mazzella feels that when the Land Development Code was revamped in 2000, the mechanisms to enforce the Quimby Act were left out. When that happened, the city lost some of its legal foundation to enforce Quimby or to pursue the property versus in-lieu-of fees. Mr. Mazzella feels that before this goes any further, there needs to be an Opinion Letter from the City Attorney’s office recommending that a mechanism be put into place in the Land Development Code that will re-institute and/or re-enact the Quimby fees. If, after this occurs and it is necessary to make revisions or amendments, that should also be done.

Mr. Miller concurred and stated that currently the City has no ordinance in its Municipal Code that institutes the Quimby Fees and it is required under Section 66477 of the Government Code. After the City institutes the ordinance, it takes about 30 days before it is applicable to a new development.

Mr. Sachs feels reinstating Quimby would be helpful. However, he does not feel a formal action in the form of an Opinion Letter is needed from the City Attorney's office. The Park and Recreation Board has made its recommendations clear. Ms. Puentes-Reynolds has stated several times that the inequity within the park system needs to be remedied. The City Attorney's office is prepared to work with the Park and Recreation and the Planning Departments and provide any assistance they can on this matter.

Mr. Miller requested clarification as to what the Opinion Letter should be directed to. He believes that writing the ordinances and getting them approved by the City Council is all that is needed, after which discussions can continue.

**Building high density housing (i.e. condominiums) in areas when it is already known there is no land available for parks (Davies)**

Ms. Davies is concerned about high intensity development (i.e. Laurel Street Condominium Project) in areas where it is already known that no land exists for any additional neighborhood parks or recreation facilities. She feels that developers who build this type of project should be required to pay some type of fee or surcharge or perhaps a DIF should be imposed on any large condominium projects. High density housing puts an enormous strain on the existing parks. In this instance, Balboa Park, a regional park, will now serve as a neighborhood/community park for the people who live in that project straining the park system even more than it already is. She recommends that an ordinance or legal requirement should be approved by the City Council that adds on some type of surcharge when developers are allowed to build in high density areas already recognized as having no land available to fulfill their obligation to build the required recreation facilities.

Acting Chair Barnes expressed concern that community planning groups have the ability to prioritize and determine what type of amenity they want in their community using DIF funding. If a community deficient in park acreage chooses instead to build a fire station with the DIF, is this information tracked or noted somewhere to show that they chose other amenities instead of the park? While not weighing police, fire, or library over a park, there should be some record of how the park deficiency occurred. Ms. Barnes was surprised that DIFs don't have built-in percentages that specify what percentage of the DIF money can be spent for each amenity and feels strongly that this should be done.

**Recreation Element**

Acting Chair Barnes commented about the proposal to reduce useable park acreage per 1000 residents from 2.8 acres to 2.4 acres. Ms. Barnes attended the Planning

Commission's Workshop on the General Plan Update –Recreation Element, and spoke about why this should not be considered.

Ms. April Penner, Park Planning and Development Deputy Director, presented an update from the July 19, 2006 Land Use and Housing Meeting. She reported that the Planning Department has agreed to keep the park standard at 2.8 usable acres per 1000 residents. However, they have also requested that Enhancements and Alternatives be used as substitutes. There was a lengthy discussion at the May 18, 2006 Park and Recreation Board meeting on this subject. Ms. Penner distributed a hand out that illustrates two sample communities using Enhancements and Alternatives as Equivalencies in-lieu-of actual park land, explained how developer credits could be applied, and asked for input from the Board.

Public testimony in opposition to the Recreation Element was heard from: Mr. Tom Mullaney, representing Friends of San Diego (distributed a hand-out to the Board members), and Mr. Joe Fritchel.

In response to a question from Acting Chair Barnes as to what the next steps would be, Mr. Keith Greer, Planning Department, reiterated that the Recreation Element went to the Land Use and Housing Committee on July 19, 2006. At that meeting, the committee asked that they return to the Park and Recreation Board in September with a revised draft that incorporates their comments and those of the Planning Commission. The draft should be online in Mid August. The revised draft will then go to the City Council sometime in October or November. Mr. Greer reported that they have already been responsive to the Board's past actions and their request to keep the park standard at 2.8 useable acres per 1000 residents. They will also work to create a policy to re-establish a Subdivision Map Act /Quimby Ordinance. Mr. Greer recommended that a subcommittee of the Park and Recreation Board be formed so that Planning Department staff as well as the Director can present more in depth information prior to the next Park and Recreation Board meeting in August.

Ms. Puentes-Reynolds asked each Board member to briefly address the questions listed on the second page of the hand-out. Summarized responses are as follows:

- Does not support any private for-profit recreation facilities on public land. (Puentes-Reynolds)
- Does not support giving developers 100% credit for non-profits on public land that require membership fees (Greene).
- Does not support any calculation of any regional park for a population based park. Does nothing to relieve congestion in heavily populated areas. Wants Opinion Letter from City Attorney to re-instate Quimby Act in Land Development Code (Mazzella)
- High density condominium developments should be levied a development fee or surcharge. At the most, 25% credit for private recreation facilities on public land (Davies)
- Feels that using any Equivalencies is giving too much away and getting much less in return (Smith).



- Joint Use must be established before any Joint Use language is used anywhere in any community plan. Concerned overall about how credits are applied. Needs to be "public useable recreation" not administrative areas or private theaters when applying credits to not-for-profit recreation facilities. Define clearly what a not-for-profit recreation facility is (Barnes).

Acting Chair Barnes will be in contact with the Board members about forming a subcommittee and will work with staff on a date, time, and location for a meeting before the August 17, 2006 Park and Recreation Board meeting.

Due to the length of the meeting, Enterprise Funds will be discussed at a future meeting.

### **ADJOURNMENT**

The meeting was adjourned at 5:30 p.m.

**The next scheduled meeting is:      Thursday, August 17, 2006, 2:00 p.m.**

City Administration Building  
Council Committee Room  
202 "C" Street, 12<sup>th</sup> Floor  
San Diego, CA 92101

Submitted by,

Ted Medina  
Staff Representative

TM:sp

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